REMARKS

In response to the Official Action of January 23, 2009, no claims have been amended.

Claim Rejections - 35 USC §102

At section 4, claims 1-8, 10-12, and 14 are rejected under 35 USC §102(e) as being anticipated in view of US patent application publication 2003/0095032, Hoshino, et al (hereinafter Hoshino). The Office asserts that Hoshino discloses a method for generating a multimedia message, comprising a multimedia object having the actions as recited in claim 1, with specific reference to Figures 1-7 and paragraphs [0035]-[0038], [0041]-[0045], [0047]-[0048], and [0064]-[0077]. For the reasons set forth below, applicant respectfully disagrees in view of the amendment to said claims.

The Present Invention

The present invention provides a method for generating a multimedia message such as in a portable, digital device which may be, for instance, a mobile phone. The method provides a simplified way of creating a multimedia message wherein the message comprises information associated with a multimedia object which is provided from an external, spatially distanced source. This result is achieved by first emitting an interrogating radio signal (such as from a mobile phone) to stimulate a radio frequency identification transponder tag (hereinafter RFID-tag) located in a surrounding area so as to emit a response signal from this RFID-tag. The response signal includes tag information associated with a multimedia object.

The response signal, including the tag information associated with a multimedia object, is then received (such as by a mobile phone) and this information is then provided to a multimedia message that is being generated. The multimedia message may then be transmitted to another party. Thus, for example, a user who is creating a multimedia message on a mobile phone, for instance, can add from an external source, for example, an image, sound or other information associated with the external source containing the RFID-tag, simply by pointing a mobile device, for instance, toward the

RFID-tag and retrieving the information. The information is integrated in the user's multimedia message and the user may then send the message to others. This thereby eliminates the otherwise tedious entering of the multimedia information into a device which then generates the message (such as a mobile phone).

Hoshino

Hoshino is directed to a tag management server including a database for storing tag management information corresponding to respective ID tags. The tag management server retrieves tag management information corresponding to the tag information used in a legitimate inquiry from the database, and when the corresponding tag management information is retrieved, the tag management server supplies the tag management information to an inquirer. When the inquiry is not legitimate or when corresponding tag management information is not retrieved, the tag management server gives a notice of the fact to the inquirer (Hoshino, Abstract).

It is asserted by the Office in the Response to Arguments section at page 2 and the 35 U.S.C. 102 rejection of claim 1 at page 4 that Hoshino discloses initiating the transmission of a multimedia message and providing the tag information into the multimedia message, with reference made to paragraphs [0041]-[0045] and [0065]-[0077]. Applicant respectfully disagrees.

In Hoshino, tag management information is stored for every ID number of ID tags managed by the tag management server, and the tag management information is constituted by a maker name of the article to which the ID tag is attached, a maker database URL designating an item management server managing the article, and an item number or a serial number of the article provided in the ID tag (Hoshino, paragraph [0039]). The item management server has a database in which information about items (such as trade names, prices, features, maker names, selling agencies, etc.) of articles dealt with by the maker itself is stored in association with model or serial numbers of the articles (Hoshino, paragraph [0041]). When an inquiry is made by the tag management server, the item management server reads the corresponding item

information from the database and sends the item information to the inquirer where it is displayed on the display screen (Hoshino, paragraph [0042]).

Hoshino also discloses an operation procedure for reading tag information that involves choosing from a list of options in a menu screen (paragraphs [0065]-[0077]). Once tag information for an ID tag is acquired from the tag management server, the user can select to view a "maker display screen", which displays the maker name and item model number of the article, or select to "display maker homepage," where the user can view on the display, item information such as trade name, maker name, price, and features such as ingredients, material, or color, of the item corresponding to the item model number and the serial number (Hoshino, paragraph [0070]-[0071]).

Although Hoshino discloses reading tag information and displaying information about the tagged article, it clearly does not disclose initiating transmission of a multimedia message and providing the tag information into the multimedia message. The form in which information is presented in the invention of Hoshino is clearly not a "multimedia message" as it is understood by persons of ordinary skill in the art. The commonly understood definition of a multimedia message, which is also stated in the application as filed, "refers to an enhanced type of message transmitted to or from a mobile phone...[which] enables also multimedia objects such as graphics, images, video clips and/or sound clips to be transmitted" (Application as filed, page 4, line 34-37). This form of messaging can be contrasted with short message service, which is " a text message service allowing the transmission of short text messages" (Application as filed, page 4, lines 29-30).

This common understanding of the meaning of "multimedia message" is not included in the invention of Hoshino. The displaying of information in Hoshino is comparable to displaying information in an Internet browser, where the user can navigate between different pages of information. In fact, the Office has asserted that "providing the tag information into the multimedia message" is disclosed in paragraphs [0043]-[0045] of Hoshino, which describes a customer inputting item information into a customer homepage that can be accessed by other customers because the customer homepage has a URL stored in the maker database (Hoshino, Figure 2 and paragraph

[0045]). This clearly suggests that what is disclosed in Hoshino is not in any fashion a "multimedia message" or an enhanced type of message including multimedia objects.

Furthermore, the method disclosed by Hoshino is inconsistent with the current invention, as Hoshino would require multiple actors to comprise the claimed features included in the rejected independent claims. For example, claim 8 of the present application sets forth an apparatus comprising a tag reader configured to emit an interrogating radio signal in order to stimulate a radio frequency identification transponder tag to emit a response signal and a processor configured to initiate the transmission of a multimedia message and to provide the tag information received from the radio frequency identification transponder into a multimedia message generated in said apparatus. Therefore, it is clear from a reading of this claim that all of the aforementioned actions can be executed by a single apparatus. A similar reading of the other independent claims can be made.

In Hoshino, even if the asserted "multimedia message" was in fact disclosed, it still would not be possible to read Hoshino as disclosing all of the claimed features being performed by a single actor. As the method of Hoshino is explained by the Office in the rejection of claim 1, the portable terminal 1 outputs a radio wave toward the RFID tag 6, which then transmits tag information to portable terminal 1, which receives the tag information. Thus, these actions are asserted to disclose the "emitting an interrogatory signal" and "receiving said response signal" performed by the actor in claim 1. However, it is then asserted by the Office that the initiating transmission of a multimedia message occurs in Hoshino when "database 3a sent item information to the portable terminal 1," (final Office Action, page 4, lines 4-5) which is then asserted to be followed by the terminal providing the tag information into the multimedia message where the contract customer inputs information such as "use conditions of the item or impressions of the item" into the "customer homepage" so that other customers can use the information (Hoshino, paragraph [0045]). It is clear that the terminal that receives the tag information associated with a multimedia object would not also be initiating the transmission of a "multimedia message" and providing the tag information into the "message". Thus, Hoshino does not disclose the invention as claimed, as it

does not disclose a single actor capable of receiving the tag information associated with a multimedia object and generating/initiating transmission of a multimedia message comprising the same tag information.

In short, it is respectfully submitted that the portable terminal in Hoshino, by making an inquiry to a tag management server is not anticipatory of initiating transmission of a multimedia message and providing tag information into the multimedia message, which tag information is associated with a multimedia object.

It is therefore respectfully submitted that independent claim 1 is not anticipated by Hoshino. For similar reasons, it is also respectfully submitted that independent claims 8, 12, and 15 are also not anticipated by Hoshino.

Dependent claims 2-7, 10, 11, and 14 are also believed to be not anticipated by Hoshino at least in view of such dependency.

Claim Rejections - 35 USC §103

At section 6, dependent claims 9 and 13 are rejected under 35 USC §103(a) in view of Hoshino as applied to claim 8 further in view of Brady. It is asserted by the Office that Hoshino discloses a keyboard and the response signal indicating the portable digital device resides within a predetermined range from the RFID-transponder, but does not disclose a key-lock functionality and means for activating the key-lock functionality. However, it is asserted that Brady teaches a key-lock functionality and means for activating the key-lock functionality, with reference made to column 2, line 66-column 3, line 7 and column 7, lines 22-48.[1] Therefore, it is asserted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Brady's method of tracking assets in Hoshino's system in order to better manage and track electronic assets. Applicant respectfully disagrees.

Brady is directed to an RFID equipped packaged integrated circuit that may provide functions such as assuring security of the assets, inventory tracking of the assets, identification of the assets, and short distance communication between the

[1] The Office states in the Office Action that "Barvesten teaches a key-lock functionality, and means for activating the key-lock functionality." However, applicant is assuming for this response that the Office intended to cite Brady in this sentence and cite to these sections of Brady, rather than Barvesten.

assets (Brady, column 7, lines 22-25). For example, the host IC chip of the packaged IC may be a microprocessor of a personal computer system, so that an RFID system may be used to prevent the microprocessor from being removed from the premises where it is stored or used (Brady, column 7, lines 25-33). Similarly, the microprocessor may be designed so that it must be enabled or activated by a base station in the manufacturer's facility which transmits an "unlock" command to the RFID circuit, and this command may flip the state of a lock/unlock bit in the microprocessor or the RFID IC which controls the activities of other circuits within the microprocessor (Brady, column 7, lines 37-45).

Given the nature of Brady, Hoshino and claims 9 and 13, it would not have been obvious to combine the two references to arrive at the claimed invention, nor would there be a motivation to make such combination. As stated earlier, Hoshino is directed to a tag management server with a database for storing tag management information corresponding to respective ID tags. The purpose of Brady, however, is to secure or track assets for inventory purposes. Thus, there is no motivation or reason to combine these two inventions in order to arrive at the key-lock functionality features of claims 9 and 13, which generally apply in the situation where an individual does not want to inadvertently press a key to activate a certain function. In fact, although Brady does mention using RFID to control the activities of circuits within a microprocessor, it does not specifically disclose a key-lock functionality. Given that the remainder of the discussion in Brady is directed towards maintaining security of assets from removal or theft, it would not follow that the RFID system of Brady be used to activate a key-lock functionality that prevents inadvertent key presses.

Therefore, claim 9 is believed to be distinguished over Hoshino in view of Brady. Furthermore, claim 9 is also believed to be allowable in view of its dependency from amended claim 8 which, as discussed above, is believed to be allowable.

Claim 13 is also believed to be distinguished over Hoshino in view of Brady, at least in view of its dependency from claim 9.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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